

Applicant: Rudi D. NEIRINCKX
Application No. 09/584,978
Attorney Docket No. 2502491-991110
(formerly 44334)

REMARKS

I. In item 1 of page 2 of the Office Action, the Examiner found the Restriction Requirement final and claims 9 and 10 were not examined.

Claims 9 and 10, as with all other of the originally filed claims no longer pending, are cancelled without prejudice.

II. In Item 2 of the bottom of page 2 of the Office Action, the Examiner objected to the Abstract. The Examiner wanted the Abstract to include any additional ingredients.

Applicants find the Abstract to track the claimed invention.

III. In item 3 of page 3 of the Office Action, claims 15 and 16 were rejected under 35 U.S.C. §112, first paragraph, for a want of written description. The issue relates to sulfadiazine.

The rejection is traversed for the following reasons:

Claim 15 now depends on claim 11. Sulfadiazine is provided in the application as filed.

Accordingly, there is no issue of want of written description and thus, the rejection can be removed.

IV. In item 4 on page 3 of the Office Action, claims 15 and 16 were rejected under 35 U.S.C. §112, second paragraph. The rejection is related to the issue just described because of the seeming discrepancy as to whether sulfadiazine is an anti-inflammatory product.

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The rejection is traversed and overcome by the amended claims, and thus, can be removed.

V. In the paragraph bridging pages 3 and 4 of the Office Action, claims 14-16 were rejected under 37 C.F.R. 1.75 as being of improper dependent form.

The rejection is traversed in view of the claim amendments. Hence, the rejection can be removed.

VI. In item 6 at the top of page 4 of the Office Action, the specification was objected to for failing to provide proper antecedent basis for the claimed subject matter. The Examiner stated that much of the claimed subject matter is not recited in the specification.

The specification was amended to include subject matter recited in the claims as filed, which constitutes the disclosure. No new matter was introduced and thus, the objection can be removed.

VII. In item 8 bridging pages 4 and 5 of the Office Action, claims 11-13 were rejected under 35 U.S.C. §103(a) over the Nanney et al. article.

The rejection is traversed for the following reasons.

As noted in the record, there is no known animal model for psoriasis. Thus, there is no reasonable expectation of success that use of EGF in a nude mice would be predictive of use in humans.

Attached hereto is the Rule 132 Declaration of Dr. Neirinckx on the matter. The executed Declaration will be filed as soon as possible.

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In view thereof, there is no reasonable expectation of success. Thus, a prima facie case of obviousness has not been made. Accordingly, the rejection must be removed.

VIII. In item 9 on page 5 of the Office Action, claims 11-13 were rejected under 35 U.S.C. §103(a) over Nanney et al. and further in view of U.S. Patent Nos., 5,070,188 and 5,130,298.

The rejection is traversed for the following reason.

The arguments and discussion of Nanney et al. above and of record are incorporated herein by reference.

The '188 and '298 patents speculate uses but relate primarily to methods of making.

Because the primary reference is not effective at suggesting the claimed invention with a reasonable expectation of success, and the secondary references do not cure that deficiency, a prima facie case of obviousness has not been made and withdrawal of the rejection is in order.

IX. In the paragraph bridging pages 5 and 6 of the Office Action, claims 11-14 were rejected under 35 U.S.C. §103(a) over Nanney et al. and further in view of Casaco et al.

The rejection is traversed for the following reasons.

The arguments and discussion of Nanney et al. above and of record are incorporated herein by reference.

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Application No. 09/584,978
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Because the primary reference is not effective at suggesting the claimed invention with a reasonable expectation of success, and the secondary reference does not cure that deficiency, a *prima facie* case of obviousness has not been made and withdrawal of the rejection is in order.

X. In item 12 on page 7 of the Office Action, claim 17 was rejected under 35 U.S.C. §103(a) over EP 0339905. The Europe patent application is alleged to teach a variety of hormones. However, the particular drug concentration and dosages are not taught therein. Nevertheless, the Examiner stated that such is readily attainable by an artisan of ordinary skill in the art.

The rejection is moot.

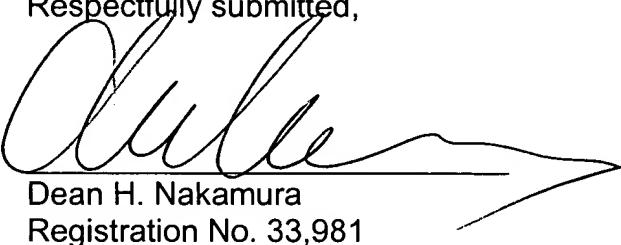
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CONCLUSION

Applicant submits that the pending claims are in condition for allowance. Reexamination, reconsideration, withdrawal of the objections and rejections, and early indication of allowance are requested respectfully. If any questions remain, the Examiner is urged to contact the undersigned at the local exchange noted below.

If any fees are found to be applicable, please charge any additional fees or make any credits to Deposit Account No. 07-1896.

Respectfully submitted,



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